

ESTTA Tracking number: **ESTTA136005**

Filing date: **04/18/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	William R. Cates, Inc. d/b/a Referral Coach International
Granted to Date of previous extension	04/18/2007
Address	7901 Sandy Spring Road, Suite 102 Laurel, MD 20707 UNITED STATES
Attorney information	Mark V.B. Partridge Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 311 South Wacker Drive, Suite 5000 Chicago, IL 60606 UNITED STATES MVBP@pattishall.com, jds@pattishall.com Phone:312-554-8000

Applicant Information

Application No	78719947	Publication date	12/19/2006
Opposition Filing Date	04/18/2007	Opposition Period Ends	04/18/2007
Applicant	Smith, Gerard A. PO Box 7277 Newport Beach, CA 926587277 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Promoting the goods and services of individual business people and companies, namely, providing advertising and promotion services and related consulting
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Attachments	NoticeOfOpposition.pdf (3 pages)(72231 bytes)
Signature	/Jared Solovay/
Name	Jared Solovay
Date	04/18/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE TRADEMARK TRIAL AND APPEAL BOARD**

WILLIAM R. CATES, INC.,)	
d/b/a Referral Coach International,)	
)	
Opposer,)	
)	Opposition No. _____
v.)	Mark: DON'T KEEP ME A SECRET
)	App. Ser. No. 78/719,947
GERARD A. SMITH,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

William R. Cates, Inc., a Maryland corporation having its principal place of business at 7901 Sandy Spring Road, Suite 102, Laurel, Maryland 20707, believes it will be damaged by registration of the mark shown in App. Ser. No. 78/719,947, and hereby opposes registration of said mark. The grounds for this opposition are as follows:

1. For several years, William R. Cates, Inc., doing business as Referral Coach International (hereinafter "Referral Coach"), has used its DON'T KEEP ME A SECRET trademark in connection with referral consulting for salespeople and small-business owners, and in connection with related goods such as mugs and t-shirts.

2. Referral Coach has enjoyed substantial sales of its DON'T KEEP ME A SECRET goods and services in the United States, and has spent substantial sums on advertising and promoting its DON'T KEEP ME A SECRET mark throughout the United States.

3. By virtue of these sales and its advertising and promotional efforts, Referral Coach now owns a valuable goodwill symbolized by its DON'T KEEP ME A SECRET mark.

4. On September 24, 2005, long after Referral Coach began using its DON'T KEEP ME A SECRET mark, Applicant filed an intent-to-use application to register the mark DON'T

KEEP ME A SECRET for "promoting the goods and services of individual business people and companies, namely, providing advertising and promotion services and related consulting."

5. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has any basis for claiming rights in the mark DON'T KEEP ME A SECRET prior to the filing date of the application.

6. Applicant applied to register the DON'T KEEP ME A SECRET mark without Referral Coach's consent or permission.

7. If Applicant were granted registration of the mark DON'T KEEP ME A SECRET, Applicant would obtain certain statutory rights, including the *prima facie* right to use the mark. The granting of these rights to Applicant would damage Referral Coach.

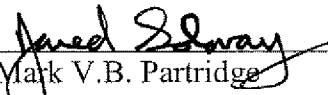
8. Applicant's use of the DON'T KEEP ME A SECRET mark for "promoting the goods and services of individual business people and companies, namely, providing advertising and promotion services and related consulting" would be likely to result in confusion, mistake or deception with Referral Coach's own referral consulting services, and to create a false impression that Applicant, or its services, are somehow connected or affiliated with, or licensed, sponsored or approved by Referral Coach.

WHEREFORE, Opposer prays that this opposition be sustained and Application Ser. No. 78/719,947 be denied registration.

Opposer submits the requisite filing fee of \$300.00. Please debit any deficiency or credit any overpayment to Account No. 16-0650. Please address all correspondence to Mark V.B. Partridge, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: April 18, 2007

By 
Mark V.B. Partridge
Jared D. Solovay
311 South Wacker Drive, Suite 5000
Chicago, Illinois 60606
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Attorneys for Opposer, William R. Cates, Inc.